



CHAPTER xxvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Glasgow Corporation. [12th July 1946.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. &
1 Edw. 8. c. 52.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of
Order in
schedule.
2. This Act may be cited as the Glasgow Corporation Order Confirmation Act 1946. Short title.

SCHEDULE.

GLASGOW CORPORATION.

Provisional Order to authorise the Corporation of the city of Glasgow to borrow money for their water and gas undertakings to extend the time for the construction of waterworks to confer further police powers on the Corporation and for other purposes.

WHEREAS by the Glasgow Water and Tramways Order 1939 the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) were authorised to construct certain waterworks therein described and through circumstances arising out of the war the money which the Corporation were authorised to borrow in connection with the construction of the said waterworks and for the general purposes of their water undertaking is insufficient and it is expedient that the Corporation should be authorised to borrow further money for those purposes as mentioned in this Order:

And whereas it is expedient that the Corporation should be authorised to borrow further money for the purposes of their gas undertaking:

And whereas it is expedient that the time limited by the Glasgow Water and Tramways Order 1939 for the construction of the waterworks authorised by that Order should be extended as provided in this Order:

And whereas it is expedient that the provisions of the Glasgow Police Act 1866 with respect to vehicles standing or plying for hire within the city should be amended as provided in this Order:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to the regulation and control of vehicular traffic in the city:

And whereas it is expedient to confer on the Corporation the powers contained in this Order with respect to fire precautions and the storage of combustible materials in buildings in which animals are housed:

And whereas it is expedient that further police powers should be conferred on the Corporation as provided in this Order and that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

PART I.

PRELIMINARY.

1. This Order may be cited as the Glasgow Corporation Order 1946. This Order and the Glasgow Gas Acts 1910 to 1937 may be cited together as the Glasgow Gas Acts 1910 to 1946.

This Order and the Glasgow Libraries Acts 1899 to 1937 may be cited together as the Glasgow Libraries Acts 1899 to 1946.

PART I.
—cont.

This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Loans Acts 1883 to 1946.

This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Police Acts 1866 to 1946.

This Order and the Glasgow Water Acts 1855 to 1939 may be cited together as the Glasgow Water Acts 1855 to 1946.

This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1946.

2. This Order is divided into Parts as follows:—

Order divided
into Parts.

Part I.—Preliminary.

Part II.—Borrowing powers and assessments.

Part III.—Extension of time.

Part IV.—Police.

Part V.—Miscellaneous.

3. The following words and expressions in this Order have unless there be something in the subject or context repugnant to such construction the meanings hereby assigned to them (that is to say):—

Interpretation.

“ Act of 1866 ” means the Glasgow Police Act 1866 ;

“ city ” means the city and royal burgh of Glasgow ;

“ Corporation ” means the Corporation of the city of Glasgow ;

“ Gas Acts ” means the Glasgow Gas Acts 1910 to 1937 ;

“ gas undertaking ” means the gas undertaking of the Corporation authorised by the Gas Acts ;

“ Loans Acts ” means the Glasgow Loans Acts 1883 to 1939 ;

“ magistrate ” means a magistrate or judge having jurisdiction under the Police Acts ;

“ magistrates committee ” means the statutory committee appointed in pursuance of the Act of 1866 ;

“ master of works ” means the master of works appointed by the Corporation in pursuance of the Glasgow Streets Sewers and Buildings Consolidation Order 1937 ;

“ Order of 1939 ” means the Glasgow Water and Tramways Order 1939 ;

“ Police Acts ” means the Glasgow Police Acts 1866 to 1938 ;

“ police offence ” means any offence consisting either of an act or the neglect or omission to do an act which the magistrate is authorised by this Order to try ;

“ sheriff ” means the sheriff of Lanarkshire and includes his substitutes ;

“ street ” has the same meaning as in the Glasgow Streets Sewers and Buildings Consolidation Order 1937 ;

“ town clerk ” means the town clerk of the city ;

“ Water Acts ” means the Glasgow Water Acts 1855 to 1939 ;

“ water undertaking ” means the water undertaking of the Corporation authorised by the Water Acts.

29 & 30 Vict.
c. cclxxiii.

Interpretation
of the
Act

Interpretation
of the
Act

PART II.

BORROWING POWERS AND ASSESSMENTS.

Borrowing for
water purposes.

4.—(1) The Corporation may for the purpose of carrying out the powers conferred upon them by the Water Acts as set out in the first column of the following table borrow in addition to the sum of six million six hundred thousand pounds authorised to be borrowed by the Water Acts any sums of money not exceeding the amounts specified in the second column of the said table and they shall pay off all money so borrowed within the respective periods mentioned in the third column thereof (that is to say) :—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment from the date or dates of borrowing.
For the purchase of lands and servitudes for the purposes of the waterworks authorised by the Order of 1939 (in addition to the money authorised by the Order of 1939 to be borrowed therefor) — —	£ 11,500	50 years
For the construction of the service reservoir authorised by the Order of 1939 (in addition to the money authorised by the Order of 1939 to be borrowed therefor) — — — — —	28,000	50 years
For the construction of the aqueducts and other waterworks authorised by the Order of 1939 (in addition to the money authorised by the Order of 1939 to be borrowed therefor) — — —	155,500	50 years
For the general purposes of the water undertaking —	105,000	50 years

(2) The Corporation may again borrow any sums which may have been repaid by them otherwise than by the application of money received for lands and properties sold by them and by sinking fund provided by the Water Acts and this Order and any money so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of the Water Acts and this Order and shall form part of the money authorised to be borrowed under the Water Acts and the maximum sum which may be borrowed under the Water Acts is hereby increased accordingly.

Sinking fund
for water
borrowing.

5. The Corporation shall annually set apart as a sinking fund and pay into the loans fund provided by the Loans Acts such sums as are necessary to provide for the repayment of the amounts borrowed under the immediately preceding section of this Order within the periods prescribed in column 3 of the table set out in the said section and not paid off by other means than such sinking fund and they shall apply such sinking fund in paying off the principal sums so borrowed. Provided that the provisions of section 23 (Provision as to future sinking fund) of the Glasgow Water Act 1912 shall apply to the money borrowed under the immediately preceding section of this Order.

2 & 3 Geo. 5.
c. xcvi.

6.—(1) The Corporation may for the purpose of carrying out the powers conferred upon them by the Gas Acts borrow any sums of money not exceeding in the whole the sum of three million pounds in addition to the sum of six million eighty-seven thousand two hundred and sixty-eight pounds authorised to be borrowed by the Gas Acts and they may again borrow any part of the said sum of three million pounds which may have been repaid by them otherwise than by the application of money received for lands and properties sold by them and by sinking fund provided by the Gas Acts and this Part of this Order.

PART II.
—cont.
Borrowing for
gas purposes.

(2) Any money so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of the Gas Acts and this Part of this Order and shall form part of the money authorised to be borrowed under the Gas Acts and the maximum sum which may be borrowed under the Gas Acts is hereby increased accordingly.

7. The Corporation shall during the year ending the thirty-first day of May one thousand nine hundred and forty-seven and annually thereafter set apart as a sinking fund and pay into the loans fund provided by the Loans Acts a sum of not less than two pounds ten shillings per centum of the amount from time to time borrowed under the immediately preceding section of this Order and not paid off by other means than such sinking fund and they shall apply such sinking fund in paying off the principal sums so borrowed.

Sinking fund
for gas
purposes.

8. Notwithstanding anything contained in section 44 (Provision as to temporary borrowing by Police Gas and Water Commissioners and Parks Trustees) of the Glasgow Bridge &c. Act 1894 the Corporation may for the purposes of the water undertaking and of the gas undertaking in addition to the powers conferred on them by that section to borrow on temporary loan from time to time borrow on temporary loan such additional sum or sums of money as may be necessary to meet expenditure (other than expenditure of a capital nature) incurred by the Corporation in providing stocks and other equipment.

Further powers
to borrow on
temporary loan.
57 & 58 Vict.
c. clxxvi.

9. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act.

Saving for
emergency
restrictions
on borrowing.
8 & 9 Geo. 6.
c. 10.

10. The limitation on the amount of the annual assessment which the Corporation are empowered to assess and levy in pursuance of section 39 (New assessment) of the Glasgow Corporation (Tramways Libraries &c.) Act 1899 as modified by section 35 (Libraries assessment) of the Glasgow Corporation Order 1912 and by section 5 (Libraries assessment) of the Glasgow Corporation Order 1920 is hereby removed and section 39 (New assessment) of the Glasgow Corporation (Tramways Libraries &c.) Act 1899 shall be read and construed accordingly.

Removal of
limitation on
libraries
assessment.
62 & 63 Vict.
c. clxvi.

PART III.

EXTENSION OF TIME.

Extending time for completion of waterworks authorised by Order of 1939.

11. The time limited by section 23 (Period for completion of works) of the Order of 1939 for the construction of the waterworks authorised by that Order is hereby extended until the thirty-first day of December one thousand nine hundred and fifty-one.

PART IV.

POLICE.

Appointment of depute master of works.

12. The Corporation may on such terms and conditions as they may deem reasonable appoint one or more persons to act as depute master of works in the execution of the powers and duties of the office of master of works and all things required or authorised by law to be done by or to the master of works may be done by or to any such depute master of works.

Amendment of Act of 1866 as to hackney carriages.

13.—(1) The definitions of "hackney carriage" and "job carriage" in section 218 (Interpretation of terms as to certificates and licences) of the Act of 1866 are hereby repealed and that section shall be read and have effect as if the following definition of hackney carriage were inserted therein:—

"hackney carriage" means every wheeled carriage whatever its form or construction and however drawn or propelled which shall stand for hire or ply for passengers for hire within the city and also includes any carriage kept by the owner in any building garage yard or other premises for the purpose of being let out for hire but shall not include—

(a) any carriage so kept for hire for the day or any longer period or so kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or undertakers and used wholly or partly in connection with such business; or

(b) any tramway car or any trolley vehicle or public service vehicle within the meaning of the Road Traffic Act 1930.

20 & 21 Geo. 5.
c. 43.

(2) Section 219 (Act not to prevent job carriages at railway stations) of the Act of 1866 is hereby repealed.

Power to make regulations as to vehicles standing in certain streets.

14.—(1) Subject to the provisions of this section the Corporation may as regards any street or part of a street make regulations restricting or prohibiting during such hours as may be specified in such regulations vehicles of any specified class or description (except tramway cars trolley vehicles and public service vehicles within the meaning of the Road Traffic Act 1930) standing or stopping to load or unload goods or merchandise or picking up or setting down passengers in such street or part of a street and for prescribing the conditions subject to which goods or merchandise may be loaded or unloaded or passengers may be picked up or set down in such street or part of a street. Provided that no regulation shall be made under this section with respect to any street which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the street.

(2) (i) (a) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport (hereinafter in this section referred to as "the Minister") for his approval and shall give notice of the subject matters of the regulations by advertisement in the "Glasgow Herald" newspaper or other daily newspaper circulating in the city and in the "Edinburgh Gazette" and in such other manner (if any) as the Minister may direct.

(b) The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(ii) The Minister shall consider any regulations submitted to him by the Corporation **and** any representations thereon which may be duly made and may approve the regulations with or without modification or may disapprove the same.

(iii) (a) Before approving any regulations the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 (Power to hold inquiries) of the Ministry of Transport Act 1919.

9 & 10 Geo. 5.
c. 50.

(b) The Corporation shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the Minister for the services of such person.

(iv) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in the "Glasgow Herald" newspaper or other daily newspaper circulating in the city and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(v) (a) The regulations shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(b) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in the "Glasgow Herald" newspaper or other daily newspaper circulating in the city and otherwise in such manner as may be prescribed by the Minister and shall also during the continuance of any regulation approved under this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the Minister indicating the effect of the regulation and the street to which it relates.

(3) A copy of any regulations approved under this section purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(4) Any person who wilfully contravenes any regulation made and approved under this section shall be guilty of a police offence and shall be liable to a penalty not exceeding five pounds.

PART IV.

—cont.

Fire precautions
in buildings in
which animals
are housed.

15.—(1) If on a report by the master of works after consultation with the officer for the time being in charge of the fire service in the city the Corporation are of opinion that a building used for housing any horses cattle sheep swine dogs cats or other animals or poultry (all or any of which are hereinafter in this section referred to as "animals") is not provided with proper and sufficient means of escape for the animals therein in case of fire or that the nature of the building is such or that the materials of which the building is constructed are such as to involve an undue risk to the animals housed therein in the event of fire the master of works may serve on the proprietor of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape or to take such steps or carry out such works to minimise the risk to the animals housed in the building in the event of fire as in the circumstances of the case can reasonably be required and the proprietor shall thereupon provide the means of escape so required or take such steps or carry out such works as may be specified in the notice.

(2) Where on a report by the master of works after consultation with the officer for the time being in charge of the fire service in the city the Corporation are of opinion that the means of escape in case of fire provided in connection with a building used for housing animals or that any precautions against the risk in the event of fire to animals housed in such building have become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the proprietor shall upon notice from the master of works make such alterations in the means of escape or take such steps or carry out such works as may reasonably be necessary in the circumstances of the case and shall if so required by such notice provide further or other means of escape.

(3) Where any building used for housing animals is also used for the storage of combustible materials whether for the feeding or bedding of such animals or otherwise and the Corporation on a report by the master of works after consultation with the officer for the time being in charge of the fire service in the city are of opinion that the provision of construction or erection of fire resisting walls doors fire-fighting appliances and other preventive or protective works or apparatus is necessary and reasonable with a view to minimising the risk of danger to the animals housed in such building in the event of fire the master of works may by notice require the proprietor of the building to provide construct or erect such fire-resisting walls doors fire-fighting appliances and other preventive or protective works or apparatus as may be specified in the notice.

(4) (a) Any person aggrieved by any notice under this section may appeal to the sheriff within fourteen days after the receipt of such notice and the sheriff shall have power to make such order as he may think fit.

(b) Notice of the right to appeal shall be endorsed on every notice under this section.

(5) The proprietor of a building used for housing animals shall notwithstanding any agreement with the tenant or occupier thereof have power to enter such building and take such steps as are necessary for complying with any notice under this section.

(6) If the proprietor of a building used for housing animals alleges that the tenant or occupier of such building ought to bear or contribute to the expenses of complying with any notice under this section he may apply to the sheriff and thereupon the sheriff after giving the tenant or occupier an opportunity of being heard may make such order as appears to him just and equitable in all the circumstances of the case.

(7) All works carried out or apparatus provided under the provisions of this section shall at all times be maintained and kept by the occupier of the building in good and efficient condition to the satisfaction of the master of works.

(8) For the purposes of this section the master of works and any other officer of the Corporation designated by them may enter and inspect any building used for housing animals and any person who obstructs or interferes with the master of works or any such other officer or refuses to give all reasonable facilities for the purposes of such inspection shall be guilty of a police offence and shall be liable to a penalty not exceeding five pounds.

(9) Any person who contravenes the provisions of this section or fails to comply with such provisions or with any notice given thereunder shall be guilty of a police offence and shall be liable to a penalty not exceeding five pounds.

16.—(1) Where in the opinion of the master of works after consultation with the officer for the time being in charge of the fire service in the city the storage of combustible materials whether for the feeding or bedding of animals or otherwise in any building used for housing animals constitutes or is likely to constitute a danger to such animals in the event of fire the master of works may serve on the occupier of such building a notice requiring him to comply with such requirements as to the storage of such materials as the notice may prescribe.

Storage of combustible materials in buildings in which animals are housed.

(2) The provisions of subsection (4) of the immediately preceding section of this Order shall extend and apply with respect to any notice given by the master of works in pursuance of this section.

(3) Any person who fails to comply with any notice given under the provisions of this section shall be guilty of a police offence and shall be liable to a penalty not exceeding five pounds.

(4) For the purposes of this section "animals" has the same meaning as in the immediately preceding section of this Order.

17.—(1) Where any house or building or part of a building which is occupied as a club (whether or not such club is a company incorporated under the Companies Act 1929) is used for the playing of billiards or bagatelle the playing of billiards or bagatelle in such house building or part of a building shall be deemed to be the public playing of billiards or bagatelle for the purposes and within the meaning of section 8 (Billiard rooms to be licensed) of the Glasgow Police (Further Powers) Act 1892 unless adequate provision is made—

Further provisions as to billiard rooms &c.
19 & 20 Geo. 5. c. 23.
55 & 56 Vict. c. clxv.

(a) to ensure that a person shall not be admitted to such club with a view to taking part in the playing of billiards or bagatelle therein unless he is a bona fide member of such club or is accompanied by a bona fide member of such club; and